

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

GERALD SMITH, #05324-043

PETITIONER

VERSUS

CIVIL ACTION NO. 5:07cv170-DCB-MTP

WARDEN CONSTANCE REESE, et al.

RESPONDENTS

ORDER

This cause comes before the court, *sua sponte*. Having considered the issues presented by the petitioner in the instant petition and in light of *Tischendorf v. Van Buren*, No. 07-11262 (5th Cir. Dec. 11, 2007) pending before the United States Court of Appeals for the Fifth Circuit, this court has determined that this civil action shall be stayed pending the Fifth Circuit's decision in *Tischendorf v. Van Buren*.

SO ORDERED, this the 24th day of January, 2008.

s/ David Bramlette
UNITED STATES DISTRICT JUDGE